


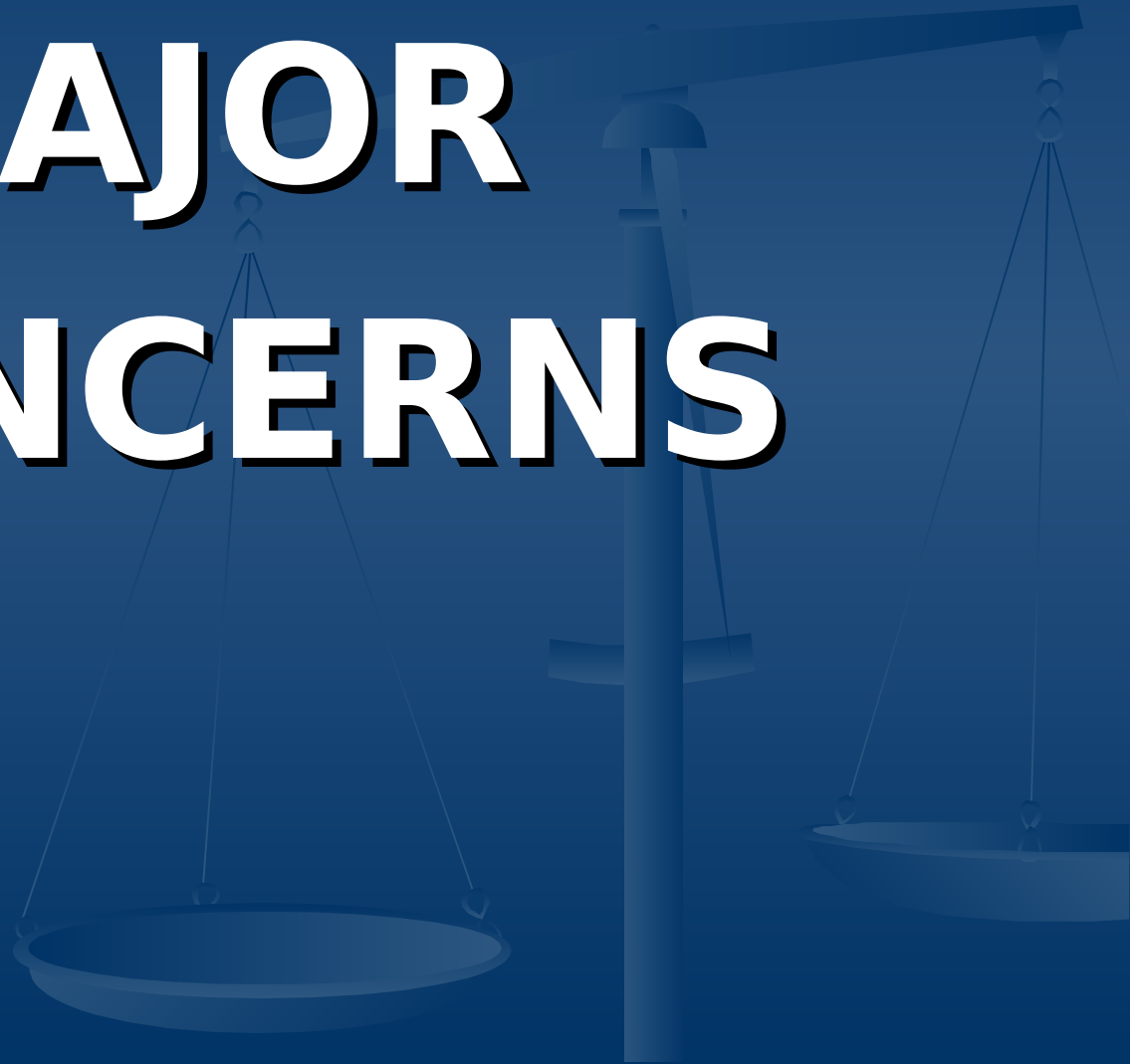
# Safe Driving

- Introduction
- Reckless Driving
- Road Rage
- Accidents
- HOV
- DUI (New Laws)
- Q & A

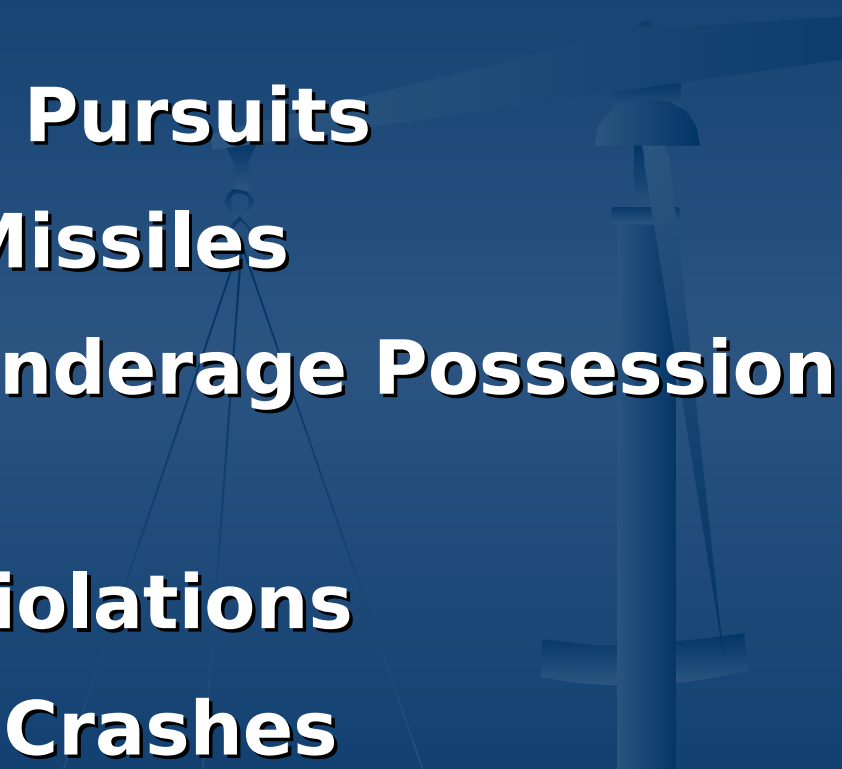


**Trooper M. J.  
Cherry**  
**Virginia State  
Police**

# MAJOR CONCERNS



# Major Concerns

- **Hit & Run**
  - **Motorcycle Pursuits**
  - **Throwing Missiles**
  - **DUIs and Underage Possession of Alcohol**
  - **Firearms Violations**
  - **Secondary Crashes**
- 

# Major Concern

## Hit & Run

- Simply not exchanging info when involved in a crash (Name, DL#, Insurance Co.)
- Can be a Class 5 Felony if it involves injuries or more than \$1000 in property damage
- Typical answers for the reason why:  
Suspended, no insurance, I panicked
- Penalties include jail starting at 1 year and fines up to \$2500

# Major Concern

## Motorcycle Pursuits

- Definition: Failing to stop after receiving a visible or audible signal from law enforcement.
- Normally a misdemeanor, but if life and property are jeopardized, can be a felony
- Common answers from suspects as to why they ran: Didn't think you could catch me, adrenaline rush, I don't have a motorcycle endorsement, no insurance on the motorcycle.
- (VDOT cameras)

# Major Concern

## Throwing Missiles

- 18.2-154
- Class 6 Felony if unlawful but not malicious
- Class 4 if malicious and resulting in injury or death
- Throwing of ANY object at a moving vehicle is considered throwing missile

# Major Concern

## Underage Possession

### § 4.1-304:

If you sell alcoholic beverages to a person under age 21, you are subject to a fine up to **\$2500** and **12 months in jail**.

### § 4.1-305:

If you are under 21 and in possession of an alcoholic beverage, you face a fine ranging from **\$500 - \$2500** and **12 months in jail**. (This includes alcohol consumed or on your breath)

### § 4.1-306:

If you purchase alcohol for someone you know to be under age 21, you face a fine up to **\$2500** and **12 months in jail**.

### § 4.1-309:

Drinking or possessing alcohol on public school grounds can result in a fine up to **\$1000** and **6 months in jail**.

# Major Concern

## Underage Possession

- If the alcohol has been consumed and is detectable by smell and Alco-sensor, person can be charged with possession
- Whether or not the container is open, under-aged persons can still be charged with possession
- 6 month suspension of license (driver or not)



# Major Concern

## Firearms Violations

Can't buy a guy if:

- Domestic Assault Convictions (M)
- Felony Convictions
- Any Outstanding Warrants
- Active Protection Orders (can last up to 2 years)

# Major Concern

## Firearms Violations

- Answering “No” to ANY question on the SP-65 form when the correct answer is “Yes” is a Class 5 Felony
- Certified copies of convictions and Protection Orders have to be provided in order to be found guilty
- Felonies committed as juveniles are NOT sealed from law enforcement or Commonwealth’s Attorney

# Major Concern

## Secondary Crashes

What causes secondary crashes?

- Rubbernecking
- Tailgating in stop & go traffic
- Inattentive drivers distracted by radio, kids, cell phones and trying to do too many things at once.

# Major Concern

## ON SCENE PHOTOS



(Tailgating)

# Safe Driving

## RECKLESS DRIVING

- **Generally**
  - Operating a motor vehicle in a manner that could/would probably cause property damage or personal injury to yourself or other motorists.
- **By Speed**
  - 20 mph over the speed limit and up
  - 81 mph and up regardless of speed limit
- **Excessive speed combined with alcohol**
- **Too Fast for conditions**
  - Rain, Snow, Ice



# Safe Driving

## TRAFFIC ACCIDENTS

- **Major causes**
  - Following too close (Tailgating)
  - Driver inattention
  - Alcohol
  - Improper Lane Changes
  - Excessive Speed
  - Erratic Driving (Reckless Driving)
  - Defective Equipment
    - Slick/Bald tires, bad brakes, loose steering, no brake or tail lights
  - Stopping directly behind another vehicle causing 3 (or more) car accident
  - Stop and go traffic & rubbernecking



# Safe Driving

## TRAFFIC ACCIDENTS

- **What to Do When Involved in an Accident:**
  - Stay with the vehicle, if safe to do so.
  - Move vehicles out of roadway to the nearest shoulder.
  - Call police
    - Be able to advise how many vehicles involved, location, and if there are any injuries.
    - Cellular #77 for State Police.
  - When Police Arrive, have:
    - Driver's License
    - Registration
    - Proof of Insurance



# Safe Driving

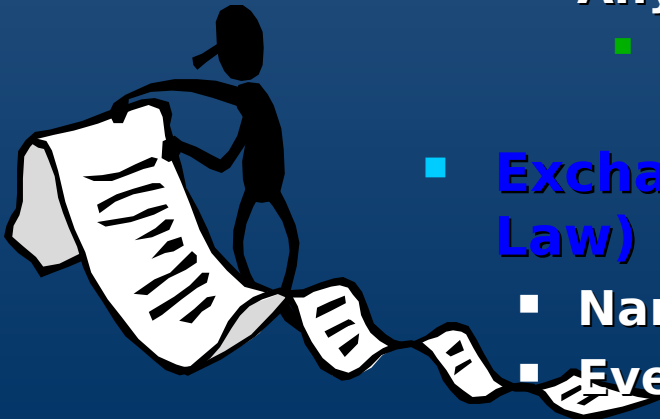
## TRAFFIC ACCIDENTS

### ■ **Statement:**

- What happened? What you saw, not what you wanted to see.
- Time of accident.
- What were the drivers' actions?
  - Changing lanes, speeding, drinking, racing, etc.
- Any other contributing factors:
  - Weather, road, traffic congestion and driver conditions.

### ■ **Exchange Information (Required by Law)**

- Name, Address, License #, Insurance
- Even if the accident is minor





# HOV-2

## HOV-2

- **What is it?**
  - **High Occupancy Vehicle**
    - Must have at least 2 people in the vehicle to be in HOV lane during HOV hours
- **Where**
  - **HOV Lanes**
    - I-64 from Battlefield Blvd to I-564
    - I-564 Diamond Lanes • (far left)
    - I-264 Diamond Lanes • (far left)
    - Downtown Norfolk to I-64/I-264 interchange
    - I-64/I-264 interchange to Rosemont Rd.
- **When**
  - **Westbound: 6AM - 8AM**
  - **Eastbound: 4PM - 6PM**



# HOV-2

## HOV-2

- **FYI:**

- Can't use HOV lane to pass other vehicles (conventional lanes)
- Must be out of HOV (reversible) lanes **BEFORE** restricted hours begin (if alone in the vehicle)
- Children and infants count as occupants
- Pets and inflatable riders **DO NOT** count
- Pregnant women count as **1** occupant
- All HOV entrances have Digital Message Boards indicating status of HOV
  - Check daily before entering HOV

- **Penalty**

- Maximum is \$78



# HOV-2

## HOV-2

### ■ EXEMPTIONS:

- LAW ENFORCEMENT
- MOTORCYCLES
- TAXI CABS (With or without passengers)
- BUSES
- CLEAN FUEL CARS



# Safe Driving

**DUI!**

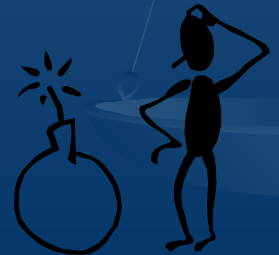


\*People fail to realize that you don't have to be stumbling over drunk in order to be above the legal limit

# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

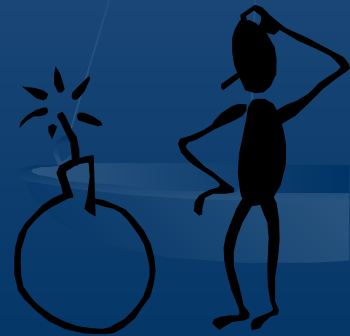
- Legal Limit = .08% (by weight by volume)
  - Presumptive Levels :
    - .08% or greater, presumed under the influence
    - > .05% but < .08%, no presumption of guilt or innocence
    - < .05%, Not under the influence
  - .15 (.20) BAC first offense MANDATORY 5 days
  - .20 (.25) BAC first offense MANDATORY 10 days
- Under age 21= .02% or more
  - 6 month suspension, \$500.00 fine
- Vehicle Does Not have to be Moving
- 3rd or Subsequent Offense is a Felony
  - Must be within 10 years of each other



# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

- **New Laws as of July 1, 2004**
  - **2<sup>nd</sup> Offense**
    - within 5 years = Mandatory \$500 and 1mo. - 1year jail
    - within 10 years = Mandatory \$500 and 1 mo. - 1 year jail
    - if BAC is .15-.19 = additional mandatory 10 days
    - if BAC is .20 or higher = additional mandatory 20 days
  - **3<sup>rd</sup> Offense**
    - upon conviction, mandatory 10 days
    - Mandatory minimum \$1000 fine
    - Within 5 years = mandatory 30 days
  - **4<sup>th</sup> Offense or subsequent**
    - Within 10 year period = 1 year mandatory jail and \$1000
  - **If transporting child under 18**
    - Add'l \$500-\$1000 and mandatory 5 days jail
    - Can also be a felony



# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

- **Steps in a DUI Arrest**
  - **Observe traffic offense (erratic weaving, speeding, accident, etc.)**
  - **Traffic Stop (license and registration)**
    - **Odor of Alcoholic Beverage Detected**
    - **Observe speech, ability to walk & stand, coherency**
    - **15 minute observation period (no more drinking)**
  - **Field Sobriety Tests**
    - **HGN (Horizontal Gaze Nystagmus)**
    - **9 Step Walk and Turn (Demonstrated)**
    - **One Leg Stand (Demonstrated)**
    - **Alphabet Test**
    - **Finger-to-Nose Test**
  - **Preliminary Breath Test**
    - **Advisement of Right to PBT**



# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

- **Steps in a DUI Arrest (Cont.)**
  - **Arrest**
  - **Advisement of Miranda Rights**
    - **Right to Attorney DOES NOT APPLY**
  - **Explain Implied Consent Law**
  - **Breath Alcohol Concentration Test**
    - **20 Minute Observation Period**
    - **Breath Test on Intoxilyzer 5000 (Documented)**
    - **Copy of Certificate Provided to Arrestee**
    - **Average Process time is 2 - 2.5 hours**
  - **Magistrate**
    - **Bail/Bond**
    - **Automatic 7 day Suspension**
  - **Court**
    - **Lawyer (\$\$\$)**





# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

- **Steps in a DUI Arrest (Cont.)**

- **Cost**

- **Vehicle Tow and Storage (\$60.00 - \$115.00 and up)**
    - **Bail (Varies from P.R. = \$0 - \$5000.00)**
    - **Transportation to work if not car pooling**
    - **VASAP (Virginia Alcohol and Substance Abuse Program) (\$350.00)**
    - **Attorney Fees (\$500.00-\$5000.00)**
    - **Fines and Court Costs (\$50.00-\$2500.00)**
    - **Estimated Range of \$960.00 - \$10,000.00**



# Safe Driving

## DRIVING UNDER THE INFLUENCE (DUI)

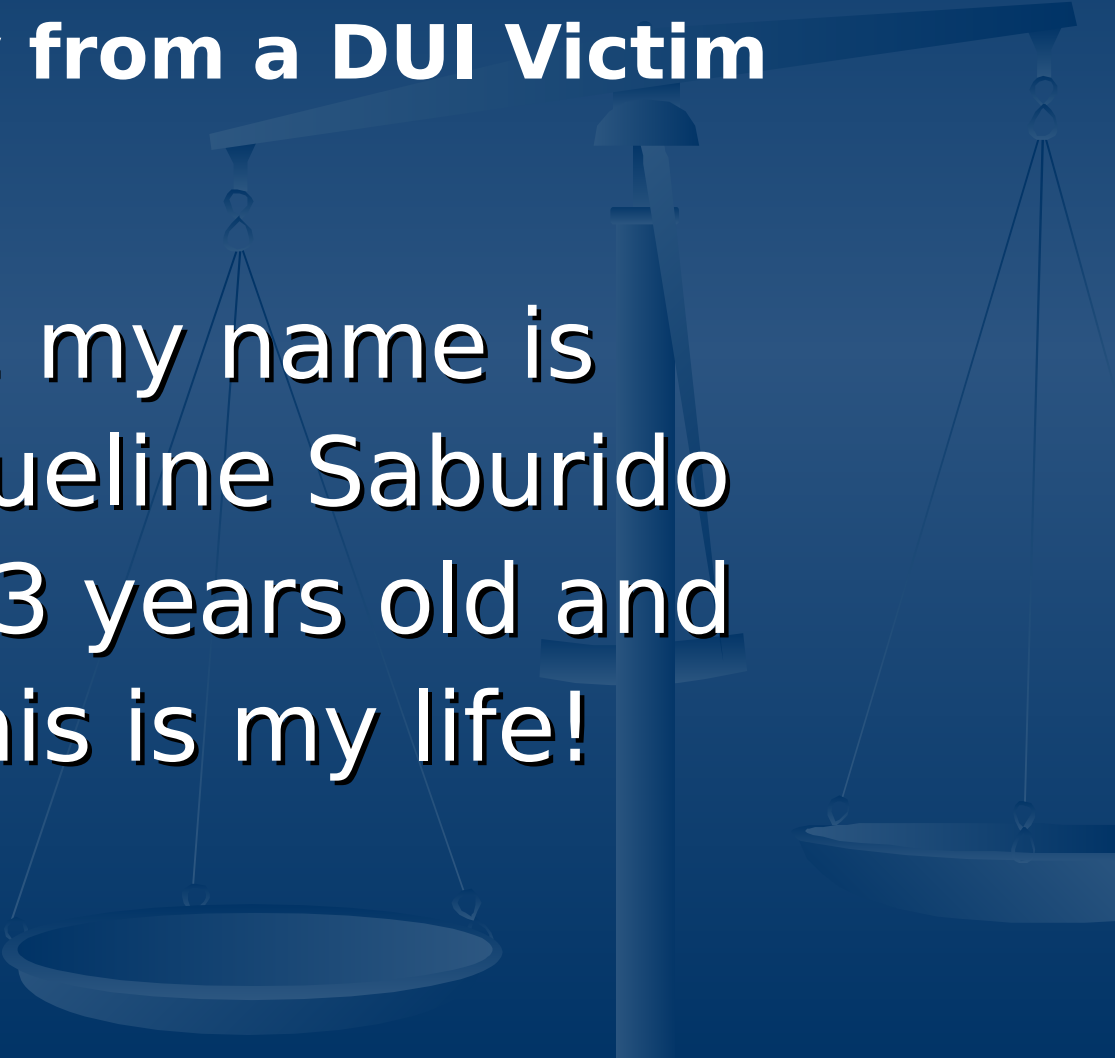
- **What To Do if You See A Possible DUI :**
  - **Stay behind them (Avoid Collision)**
    - **Best position to witness driver's actions**
    - **Call 911 (if on the interstate, #77)**
    - **Stay on phone as long as you can**
  - **Give Correct Location and Direction of Travel**
  - **Vehicle Description and Tag #**
  - **Describe Driver's Actions**
  - **Once Trooper/Officer Arrives and Initiates Traffic Stop:**
    - **Pull over BEHIND Officer and wait to be approached**
    - **Provide statement (include name, current address and phone number)**



# Safe Driving

## Testimony from a DUI Victim

Hi, my name is  
Jacqueline Saburido  
I am 23 years old and  
this is my life!



























# Not everyone who gets hit by a drunk driver dies.



Jacqueline Saburido was 20 years old when the car she was riding in was hit by a drunk driver. Today, at 23, she is still working to put her life back together.

Learn more at [www.TexasDWI.org](http://www.TexasDWI.org)

## DON'T DRINK & DRIVE

**Save a Life**  
Texas Department of Transportation

Texas Department of Public Safety • Texas Alcoholic Beverage Commission • Texans Standing Tall • Partnership for a Drug-free Texas • Texas Commission on Alcohol and Drug Abuse

# Virginia State Police

## **Warning:**

The following photographs are graphic and involve and unborn child. If you believe these photographs may be too disturbing for you, view them at your own risk.



# Virginia State Police



(The Wreckage)

# Virginia State Police



(Section of windshield from blue Chevy)

# Virginia State Police



(The Drunk Driver)



# Virginia State Police



(The Drunk Driver)

# Virginia State Police



(The Drunk Driver)

# Virginia State Police



(The Drunk Driver)

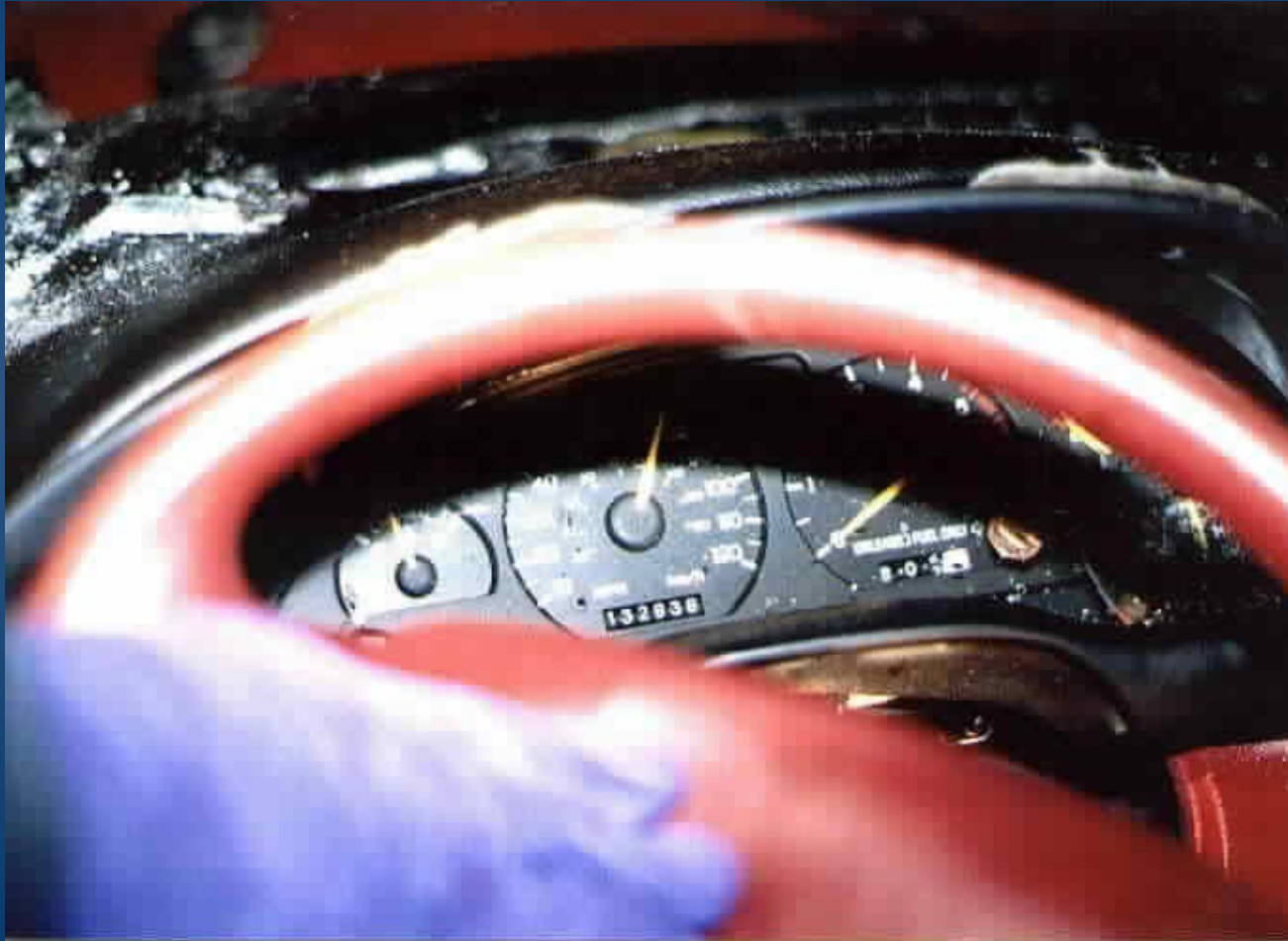
# Virginia State Police



(The Drunk Driver)



# Virginia State Police



(The Speed)



# Virginia State Police



(The Victims)

# Virginia State Police



(The Victims)

# Virginia State Police



(The Victims)

# Virginia State Police



(The Victims)



# Virginia State Police



(Mother and unborn child)

# Virginia State Police



- 5 total fatalities including 1 unborn child
- 1 survivor with critical injuries
- Over 175 mph of force from impact
- No skid marks from braking
- Crash occurred in left travel lane (right lane for wrong way driver)
- Wrong way driver's BAC above .08

# **Virginia State Police**

**Be Alert!**

**Buckle Up!**

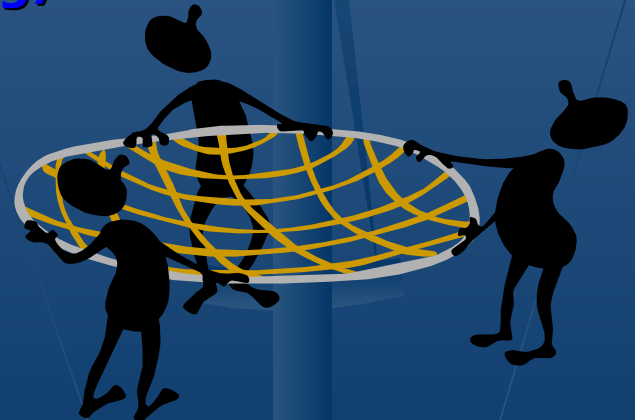
**Don't Drink & Drive!**



# Safe Driving

## Help Resources

- **NHTSA (National Highway Transportation Safety Administration)**
  - **WWW.NHTSA.DOT.ORG**
- **MADD (Mothers Against Drunk Driving)**
  - **WWW.MADD.ORG**
  - **1-800-GET-MADD (438-6233)**
- **DMV**
  - **WWW.DMV.STATE.VA.US**
- **Road Conditions**
  - **1-800-367-ROAD (7623)**
- **Child Passenger Safety Seat Hot Line**
  - **1-800-732-8333**





# Safe Driving

QUESTIONS?



Trooper M.J.  
Cherry  
Virginia State  
Police